

### **REMARKS**

In the Office Action the Examiner noted that claims 1-12 are pending in the application, and the Examiner rejected all claims. By this Amendment, claim 11 has been cancelled without prejudice or disclaimer, claims 1, 4, and 7-9 have been amended, and new claims 13-16 have been added. No new matter has been presented. Thus, claims 1-10 and 12-16 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

#### **Examiner's Response To Arguments**

On pages 2-4 of the Office Action the Examiner provided a response to the Examiner's arguments filed in the Amendment of May 14, 2007. The Applicant respectfully traverses the Examiner's responses.

In item 2 on page 3 of the Office Action the Examiner alleged that Martin discloses transmitting a room number to a management system to obtain information about a guest when the guest uses the key for a room or pool access. The Applicant respectfully submits that at least the pool example provided by the Examiner is apparently newly cited, and would therefore seem to support the Applicant's assertion that the prima facie burden for rejection was not met in the previous action. Further, Martin apparently shows that all the information in a situation such as this is taken from the card in the card reader, and therefore is not obtained from any management system. Therefore, the Applicant respectfully submits that the Examiner's response appears to be in error.

In item 4 on page 3 of the Office Action the Examiner alleged that a hotel check-in system constitutes a service on the hotel's computer, and that this is tantamount to the recited service management apparatus for hotel facilities in conjunction with a lodging management system. However, the Applicant respectfully submits that the Examiner has again mischaracterized the Applicant's traversal. To wit, the language cited by the Examiner above was listed in regard to Martin not disclosing "obtaining and inputting a room number of a guest when the guest visits the hotel facility; [and] transmitting the room number of the guest to the lodging management system to obtain the information about the guest concerned." The Examiner has equated this to the check-in system of Martin, which obviously has no such room number for the guest before the guest visits the subject facility. Therefore, the Applicant

respectfully submits that the Examiner has not adequately addressed the Applicant's traversal, and has improperly made this action final.

In item 5 on pages 3-4 of the Office Action the Examiner alleged that the check-in system of Martin teaches "comparing guest attributes with hotel facilities and indicating suitable facilities." Again, the Applicant respectfully submits that the Examiner is not addressing the traversal made by the Applicant, and is not properly interpreting the recited claim language. To wit, the Examiner has apparently not addressed the following traversal made in the previously filed Amendment:

The Examiner alleged that Martin discloses "comparing guest attributes with hotel facilities and indicating suitable facilities. (C. 2 l. 40-52)." As previously discussed in the Amendment, the Examiner is apparently characterizing the registration software in Martin prompting the guest for lodging preferences as the recited features in claim 1. However, the Applicant respectfully submits, again, that all of these guest attributes cited by the Examiner are asked for by the registration software before assigning any room number to the guest. In fact, the whole point of the guest entering this information is so that a suitable room, and therefore room number, may be assigned to the guest. It is therefore not reasonable to state that the system in Martin uses guest information that was obtained from the lodging management system by transmitting the room number of the guest to the lodging management system, because that information was only asked for and used before the assigning of the room number.

Further, Martin does not contemplate "indicating a service suitable for the guest's attributes" from the services of the hotel facilities. Even when the system in Martin prompts the user for lodging preferences, which occurs before the assigning of the room number, this merely results in the type of room which will be assigned to the guest. While the Examiner has apparently characterized the recited "facilities" of claim 1 as the hotel room itself in Martin, the Applicant respectfully submits that the hotel room could not also reasonably be characterized as a "service" of the hotel facilities. This would be tantamount to stating that the hotel room is a service of the hotel room. Therefore, Martin does not contemplate indicating a service of the hotel facilities suitable for the guest's attributes in the information obtained by transmitting the room number of the guest to the lodging system to obtain the information. Again, even if the Examiner does consider the hotel room of Martin to be both the "service of the hotel facilities" and the "hotel facilities" themselves, the room number was not used to obtain the guest information. It is also noted that the Examiner has not used the recited claim language in this portion of the claim rejection. While the Examiner stated that Martin discloses "indicating suitable facilities", claim 1 actually recites "indicating a service suitable for the guest's attributes", the service being one of the services of the hotel facilities. The Applicant respectfully submits that this provides further evidence that Martin does not disclose or suggest the discussed recited feature of claim 1.

The Examiner stated that the operations of the claim do not have to be performed in a particular order, and that the comparing can be done when determining a guest room. However, the Examiner has mischaracterized the Applicant's argument. The Applicant did not say that a certain order had to be followed. Rather, the Applicant referred to the recited claim language

which recites comparing the service management table “with the guest’s own attributes in the information about the guest which has been obtained from the lodging management system.” As the Examiner is aware, the rules of antecedent basis dictate that the information about the guest has already been defined in the claim, and is acquired by “transmitting the room number of the guest to the lodging management system to obtain the information about the guest concerned.” Therefore, the Applicant is not alleging that any order of operations should be inferred by the claim. Rather, the Applicant is merely pointing out that the guest information is defined in the claim as being obtained through the transmission of the room number, and therefore cannot be tantamount to the information offered by the user checking in to a hotel in Martin. Thus, the Applicant respectfully submits that the Examiner has not adequately addressed the Applicant’s traversal, and has improperly made the current action final.

In item 6 on page 4 of the Office Action the Examiner alleged that the Applicant’s arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The Applicant respectfully requests that the Examiner withdraw any such accusation, and points to the several concrete examples of the previously filed Amendment which describe in great detail the deficiencies of the cited prior art compared the to the recited claim language.

Among the several other traversals which the Examiner has failed to even acknowledge, much less answer, is the following argument submitted in the previously filed Amendment:

For instance, claim 2 recites “transmitting the room number of the guest obtained when the guest visits the hotel facility in a case in which a facility charge is paid with a hotel charge at the check-out, to the lodging management system with the data of the facility charge to be paid with the hotel charge.” The Examiner alleged that “Martin teaches tracking facility charge to be paid at check-out. (Pg. 2 I. 50-55).” However, the Applicant respectfully notes that the Examiner has not identified both a facility charge and a hotel charge in Martin. This is due to the fact that the Examiner has characterized the hotel room as the facility, and therefore there would be only one such charge in Martin. Thus, Martin does not contemplate both a facility charge and a hotel charge, regardless of how broadly the Examiner interprets the claim language, and certainly does not disclose the recited features of claim 2.

Further, claim 3 recites “transmitting the service availability information about the hotel facility to indicating devices in the guest rooms and lobby, and to a home page of the hotel, from the service management table of the hotel facility.” The Examiner alleged that “Martin discloses “transmitting service availability to user at various devices (C. 2 I. 61-61 & C. 5 I. 58-61).” However, the Examiner has simply cited sections of Martin that disclose that the guest’s credit card can be authorized to open the locks on various other areas of the place of lodging, or encoding guest information on the guest’s credit card. There is no contemplation whatsoever of any service availability information being transmitted to indicating devices. The Applicant respectfully submits that it is not

reasonable to consider a card reader as an indicating device. "When the guest runs the proper credit card through his guest room card reader, a door lock release apparatus at the guest room door will open the lock, allowing the guest into the room" (Column 2, Lines 58-61). Thus, there is no indicating device disclosed in Martin. Further, the Examiner has already characterized the room preference information gleaned in Martin as the service availability information, and this is not the type of information that is sent to the card readers in Martin. Rather, the guest's credit card is simply authorized to open the locks on various other areas of the place of lodging (Column 2, Lines 61-63). Further, Martin does not contemplate any such indication on a home page of the hotel, as recited in claim 3. Thus, Martin does not contemplate transmitting a service availability to indicating devices in the guest rooms, lobby and home page of the hotel, regardless of how broadly the Examiner interprets the claim language, and certainly does not disclose the recited features of claim 3.

As noted in at least MPEP 707.07(f), the Examiner is required to answer and address all traversals. This requirement is in addition to any repetition of a previously held position and is required to allow the Applicants a chance to review the Examiner's position as to these arguments and to clarify the record for appeal. The Applicants respectfully submit that the answer by the Examiner, which does not even recognize several of the Applicant's arguments, but then also alleges that the Applicant has not provided proper arguments, does not allow the Applicants to review the Examiner's position in a thorough manner.

Additionally, and as further noted in MPEP 707.07(f), a failure of the Examiner to address the Applicants' traversals can be deemed a failure to rebut these arguments so as to admit that the arguments have overcome the rejection. At the very least, the failure to address the Applicants' traversals would render the Examiner's decision to again reject the claims arbitrary and capricious and invalid under the Administrative Procedures Act, 5 U.S.C. § 706, the standard under which such rejections are reviewed in view of Dickinson v. Zurko, 527 U.S. 150, 50 USPQ2d 1930 (1999). As the Examiner has not even identified several of the Applicant's arguments in the Examiner's response, the Applicants respectfully submit that, by providing no valid rebuttal, the Examiner has not addressed the traversal in a proper manner.

Thus, the Applicant respectfully submits that the Examiner has failed in the duty to answer all traversals of the previously filed Amendment, and that the current Office Action has improperly been made final.

Nevertheless, by this Amendment, the Applicant has amended the independent claims to more clearly recite the included features.

#### Claim Rejections Under 35 USC §102

In item 1 on page 2 of the Office Action the Examiner rejected claims 1-12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,614,703, issued to Martin et al. (hereinafter referred to as "Martin"). By this Amendment, claim 11 has been cancelled without prejudice or disclaimer. The Applicants respectfully traverse the Examiner's rejections of the remaining claims.

Claim 1 of the present application, as amended, recites the guest attributes in the guest information as indicating the guest's status as a very important person (VIP), a repeat customer, a person with children, an aged person, a blacklisted person, a physically challenged person, or any combination thereof. Along with the several deficiencies of Martin discussed in the preceding section of this Amendment, the Applicant respectfully submits that Martin does not disclose or suggest at least this feature of claim 1.

Regarding similar features formerly recited in claim 11, which has been cancelled without prejudice or disclaimer, the Examiner alleged that Martin discloses "guest information as preferences" (Column 10, Lines 5-10). However, the Applicant respectfully notes that such guest information is in no way related to the guest status indicated by the attributes of claim 1. Rather, Martin merely discloses such guest information as name, address, credit card service company, account number, room size, bed size, etc., which is not related to the recited features of claim 1.

Therefore, Martin does not disclose or suggest at least the features of claim 1 recited above. Accordingly, Martin does not disclose every element of the Applicants' claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Martin does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Martin, and withdrawal of the §102(b) rejection is earnestly and respectfully solicited.

Claims 2 and 3 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed by Martin. Therefore, it is respectfully submitted that claims 2-3 also patentably distinguish over Martin.

Independent claims 4, 7, and 8-9 all recite similar features to those discussed in regard to claim 1 of the present application. Therefore, it is respectfully submitted that claims 4, 7, and 8 also patentably distinguish over Martin.

Claims 5-6 depend from claim 4 and include all of the features of that claim plus additional features which are not disclosed or suggested by Martin. Therefore, it is respectfully

submitted that claims 5-6 also patentably distinguish over Martin.

Claims 10 and 12 depend from claim 9 and include all of the features of that claim plus additional features which are not disclosed or suggested by Martin. Therefore, it is respectfully submitted that claims 10 and 12 also patentably distinguish over Martin.

#### New Claims 13-16

New claims 13-16 are directed to providing services of a hotel facility other than a lodging room to a guest according to guest information. At least these features are not disclosed or suggested in Martin. Therefore, it is respectfully submitted that new claims 13-16 also patentably distinguish over the cited references.

#### Summary

In accordance with the foregoing, claim 11 has been cancelled without prejudice or disclaimer, claims 1, 4, and 7-9 have been amended, and new claims 13-16 have been added. No new matter has been presented. Thus, claims 1-10 and 12-16 are pending in the application.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 10/079,844

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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